

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN E. HUDSON,

Plaintiff,

v.

**DECISION AND ORDER**  
04-CV-1028S

GREYHOUND LINES, INC. and  
GLI HOLDING COMPANY,

Defendants.

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1. On February 16, 2006, this Court filed a Decision and Order granting Defendants' Motion to Dismiss in part and denying it in part. (Docket No. 17.) This Court further granted Plaintiff leave to amend his Complaint consistent with the decision.

2. On April 3, 2006, Plaintiff filed a 3-page "Amended Bill of Particulars" in an attempt to comply with this Court's directive to file an Amended Complaint. (Docket No. 18.) Plaintiff is advised that an Amended Complaint *completely replaces* the original Complaint, and thus, an Amended Complaint "renders [any prior complaint] of no legal effect." Int'l Controls Corp. v. Vesco, 556 F.2d 665, 668 (2d Cir. 1977); see also Shields v. Citytrust Bancorp, Inc., 25 F.3d 1124, 1128 (2d Cir. 1994).

3. Consequently, Plaintiff is advised that his Amended Complaint must include all of the timely allegations against each of the defendants against whom the case is going forward so that the Amended Complaint stands alone as the sole Complaint in this action. For example, factual allegations contained in the original Complaint that relate to Plaintiff's claims that survived Defendants' Motion to Dismiss must be re-asserted in the Amended

Complaint. Likewise, Plaintiff should include in the Amended Complaint the allegations he set forth in his "Amended Bill of Particulars." Defendants will be required to Answer only the Amended Complaint, as the original Complaint becomes a nullity once the Amended Complaint is filed. Plaintiff's Amended Complaint must therefore be totally inclusive.

4. In light of Plaintiff's pro se status and his good faith attempt to comply with this Court's prior Decision and Order, this Court will extend Plaintiff's time to file a proper Amended Complaint.

IT HEREBY IS ORDERED, that Plaintiff shall file and serve his Amended Complaint on or before May 22, 2006.

SO ORDERED.

Dated: April 18, 2006  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge